

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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**UNITED STATES OF AMERICA** : **DECLARATION**

**-v.-** : **S3 05 Cr. 621 (RJS)**

**ALBERTO WILLIAM VILAR,** :

**a/k/a, "Albert Vilar," and**

**GARY ALAN TANAKA,** :

**Defendants.** :

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MARC LITT, pursuant to 28 U.S.C. § 1746, declares under penalty of perjury as follows:

I am an Assistant United States Attorney in the Office of Michael J. Garcia, United States Attorney for the Southern District of New York, attorney for the United States of America.

I respectfully submit this declaration in support of the Government's Opposition to Defendants' Application For Suppression Of The Derivative Fruits of an Unlawful Search and Seizure. I have personal knowledge of the facts set forth in this Declaration.

1. A true and correct copy of a May 18, 2007 cover letter (without the attachment) from the undersigned to The Honorable Kenneth M. Karas, is attached hereto as Exhibit A.

2. True and correct copies of excerpts from the transcript of the pretrial conference held in this matter on March 9, 2006, are attached hereto as Exhibit B.

3. A true and correct copy of the docket sheet for *United States v. Birrell, et al.*, 61 Cr. 692 (S.D.N.Y.), is attached hereto as Exhibit C.

4. The Government is aware of, and intends to comply with, the constitutional limits placed on its use of evidence suppressed by, or derived from the materials suppressed by, the Court's April 4, 2007 Order.

I declare, under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: October 4, 2007  
New York, New York

/s/  
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Marc Litt  
Assistant United States Attorney  
(212) 637-2295